## Mono County Local Agency Formation Commission

PO Box 347 Mammoth Lakes, CA 93546 760.924.1800, fax 924.1801 commdev@mono.ca.gov PO Box 8 Bridgeport, CA 93517 760.932.5420, fax 932.5431 www.monocounty.ca.gov

## SPECIAL MEETING AGENDA Wednesday, June 26, 2019 – 2:30 p.m.

Town/County Conference Room, Minaret Village Mall Mammoth Lakes, California Commissioners and the public may participate by: Teleconference at CAO Conference Room, Bridgeport Call 1-669-900-6833, enter meeting number 760-924-1815

- 1. CALL TO ORDER
- 2. PUBLIC COMMENT
- 3. MINUTES: Review and approve minutes of May 15, 2019 p. 1

## 4. <u>2:30 P.M.</u>

**PUBLIC HEARING 1:** Consider Resolution R19-01 that would annex five vacant undeveloped parcels (APNs 064-240-001, -002, -003, -004 & -005) into the Wheeler Crest Community Service District. Project is located within the Rimrock Ranch Specific Plan area in the community of Wheeler Crest. A prior Final Environmental Impact Report has been prepared. – *p. 3* 

#### 5. <u>3:00 P.M.</u> PUBLIC HEARING 2: Consider and adopt the 2019-20 Budget – p. 39

6. APPOINTMENT OF PUBLIC MEMBER: Consider appointment of a public member – p. 42

## 7. BYLAWS

- A. County Counsel determination on LAFCO questions at May 15 meeting p. 45
- B. Workshop on possible changes to the existing LAFCO Handbook p. 46

## 8. ADJOURN

## LAFCO COMMISSIONERS

Hank Brown, Tom Cage, Cleland Hoff, Lynda Salcido, John Peters, Fred Stump, Bruce Woodworth

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# **SPECIAL MEETING DRAFT MINUTES**

May 15, 2019

**COMMISSIONERS PRESENT:** John Peters, Mono County; Cleland Hoff & Lynda Salcido, Town of Mammoth Lakes; Hank Brown & Tom Cage, special districts; Bruce Woodworth, public member

**STAFF PRESENT:** Gerry Le Francois, executive director; Kelly Karl, assistant planner; CD Ritter, secretary

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE: Chair Hank Brown called the meeting to order at 3:02 p.m. at the Town/County Conference Room, Minaret Village Mall, Mammoth Lakes, and attendees recited the pledge of allegiance.

## 2. PUBLIC COMMENT: No items

3. ELECTION OF CHAIR & VICE-CHAIR: Chair Hank Brown, Vice-Chair John Peters.

## 4. MINUTES

**MOTION:** Approve minutes of June 20, 2018 (Brown/Peters. Ayes: All.)

## 5. PUBLIC HEARING: Preliminary Budget 2019-20.

Gerry Le Francois mentioned urban areas with overlapping districts. LAFCO is arbiter of boundary changes; e.g., Town annexed property from Snowcreek 8. Update MSR (Municipal Service Reviews) every five years or as necessary. Last updated 2009-10, need to look at demographics, financials. Maybe Swall Meadows annexation into water district. Later Lee Vining PUD (Public Utility District) contract for services outside district boundaries. LAFCO county counsel staff is Anne Larsen. Finance Director Janet Dutcher could provide overview of financials.

Cost for staff time for MSR, bylaw review? Think it's covered, as spending less than budgeted. Maybe couple thousand in reserve. Start with 2009 template, poll districts. Had to interview as volunteer boards didn't provide info. Mostly staff time, some travel.

Lee Vining FPD/PUD? *Districts agreed not to pursue consolidation.* Two separate boards, distance issue involved.

Walker Basin Conservancy? Water transfer usurps LAFCO authority, big enough to be placeholder. Consultants working with staff.

## **OPEN PUBLIC HEARING:** Continue to June 26 meeting. **CLOSE PUBLIC HEARING.**

Cleland Hoff noted Town Council meets June 26. Not an issue if regularly scheduled. *If considering Swall/Wheeler Crest annexation, start 2:30 p.m.* 

Lynda Salcido requested forwarding her LAFCO packet to alternate Kirk Stapp for June 26, as she will be traveling out of country.

Bruce Woodworth: MMSA? Mammoth Mountain Ski Area typically appeals its property taxes. Money would have to be paid back by districts if lose appeal. Finance had foresight to set aside escrow account.

Tom Cage: Have Mono County and MMSA settled? Does it affect LAFCO? Unsure.

#### 6. MEMBERSHIP & BYLAWS REVIEW

LAFCO will advertise for 21 days for public member and alternate. Different from Special District members. Applications, and then LAFCO members select at Special Meeting June 26. LAFCO meetings typically held first Wednesday of month at 3 p.m. Maybe amend bylaws to avoid conflicts by meeting second Wednesday.

Alternate public member commented on annexation situation at June 20, 2018, meeting, should have recused himself and commented as private citizen.

Peters: Recusal pertains to right to vote on action item as opposed to discussion?

Woodworth: No restrictions in other agency on alternate speaking, just can't vote. *Press, agencies, public present clouded aforementioned situation.* 

Woodworth: Why not allow alternate to speak? Ask county counsel.

Hoff: Identify self as speaking as member of public...

Cage: Never give up right as citizen to speak. Confusion as he was at table as alternate.

Woodworth: Substantive difference?

Salcido: Brown Act addresses it, and county counsel should speak on this.

Woodworth: Check with county counsel on majority of commission vs majority of quorum.

Peters: Important rules of engagement. LAFCO discussion vs public comment. Clear up confusion for public.

Salcido: Special initiation for new LAFCO members? No, they're on board.

Next month: Update bylaws, rules/procedures, final budget, annexation, earlier start time. Hopes for five to six members for quorum of four in case of unexpected conflict.

Woodworth: Bylaws mention of June 5?

Hoff: Town Council moved election from June to November.

Peters: March primary in California. Not sworn in till following January (nine-month lame duck situation). School districts, etc. in November. Supervisorial primary in March, wait till January to serve.

7. ADJOURN at 3:45 p.m. to next meeting: June 26, 2019

Prepared by CD Ritter, LAFCO secretary

## 3 Mono County Local Agency Formation Commission

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## **STAFF REPORT**

June 26, 2019

- TO: Mono County LAFCO
- FROM: Gerry Le Francois, Executive Officer
- **RE:** Annexation of parcels 064-240-001, -002, -003, -004 and -005 into Wheeler Crest Community Services District

## RECOMMENDATION

It is recommended that following a staff report and public hearing the Commission adopt Resolution R19-01 approving annexation #19-01 into the Wheeler Crest Community Services District subject to all terms and conditions.

## **PROJECT DESCRIPTION/BACKGROUND**

The Wheeler Crest Community Services District (WCCSD) contacted Mono LAFCO about annexation of five parcels (APNs 064-240-001, -002, -003, -004, & -005) approximately 10.01 acres into their District Boundary.



Planning / Building / Code Compliance / Environmental / Collaborative Planning Team (CPT) Local Agency Formation Commission (LAFCO) / Local Transportation Commission (LTC) / Regional Planning Advisory Committees (RPACs)

In 2001, the Mono County Board of Supervisors approved the Rimrock Ranch Specific Plan of which this area is a part. A follow up action from the 2001 Rimrock Ranch Specific Plan adoption should have required annexation into the WCCSD District Boundary, but this was never done. The 10.01 acres was proposed to be subdivided a few different times after 2001. The subdivision of this property was approved by the Board of Supervisors as Tract Map 10-001 and approved in November 2010, and the map was recorded in January 2018. All roads, water infrastructure, fire hydrants, drainage, and other improvements and/or easements were completed prior to the Mono County Board of Supervisors' approval of Tract Map 10-001.

These five parcels are in the WCCSD Sphere of Influence but are not within the District Boundary. There are two ways for the WCCSD to provide service to these parcels. One is a contract for service, and the second is to annex into the District Boundary. The WCCSD is requesting annexation into its District Boundary by Resolution 2019-01 and submitted a formal application (see attachment B) to Mono LAFCO.

The project was noticed to individual property owners within 300 feet of the property boundaries and to special districts. Staff has received two phone calls regarding the annexation. No comment letters were received.

The WCCSD is dependent on property assessments, excess water use charges, and hookup fees for its revenue. These fees are reviewed periodically to ensure that they are adequate for district operations. The district has a long-term financial planning document to ensure that it will have adequate resources both in the short term and long term. The WCCSD was formed after the passage of Proposition 13 and does not receive a portion of property taxes. The District is not requesting property tax exchange.

#### **FACTORS OF CONSIDERATION PURSUANT TO GOVERNMENT CODE SECTION 56668**

Factors to be considered in the review of the district boundary annexation shall include, but not be limited to, the following:

1. Population and populations density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas: the likelihood of significant growth in the area:

The current population of the boundary annexation is zero, the subject properties are within the Rimrock Ranch Specific Plan and adjacent to existing two-acre residential development and a larger parcel to the south. The properties have been subdivided by Mono County under Tract Map 10-001, and future growth would include construction of single-family homes with the possibility of accessory dwelling units. Population growth of these five parcels with single-family homes is approximately 14 new residents (US Census: 2.8 persons per household in Mono County) without construction of accessory dwelling units.

2. The need for organized community services; the present cost and adequacy of governmental services; probably effect of the proposed annexation:

Law enforcement is provided by Mono County. Road maintenance is under a zone of benefit per property owner. School districts are Round Valley (K-8), Bishop Unified (HS) which charge impact fees at time of home construction. Fire protection is provided by Wheeler Crest Fire Protection District that relies on property assessments and fire mitigation fees. Water service is proposed by WCCSD, which also relies on property assessments and user fees. This annexation of five parcels is not expected to financially impact governmental services.

3. The effect of the proposed action and its anticipated actions, on adjacent area, on mutual social and economic interests, and on the local government structure of the county.

The 10 acres is already being served by Mono County and other districts (see item 2 above).

4. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.

The annexation is not expected to influence open space or prime agricultural lands being converted into other uses. Only 6% of the land area in Mono County is privately held. The remaining 94% is in some type of public ownership.

5. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

The annexation area is not used for agricultural purposes of producing an agricultural commodity.

6. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The annexation area is currently within the adopted WCCSD Sphere of Influence. The District Boundary annexation of these five parcels is a reasonable extension of water service for this area.

7. A regional transportation plan adopted pursuant to Section 65080.

Project area is within the Mono County Regional Transportation Plan, and area roads are developed with maintenance provided by a zone of benefit.

8. The proposal's consistency with city or county general and specific plans.

Project area is in the Rimrock Ranch Specific Plan and the development of parcels is subject to this document.

9. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

WCCSD is the only water provider is this vicinity. Annexation of these five parcels into its district boundary is a logical extension of service. Other special districts were notified of this annexation proposal.

10. The comments of any affected local agency or other public agency.

No comments have received from local or public agency(ies).

11. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The WCCSD is dependent on property assessments, excess water use charges, and hookup fees for its revenue. These fees are reviewed periodically to ensure that they are adequate for district operations. The district has a long-term financial planning document to ensure that it will have adequate resources both in the short term and long term.

12. *Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.* 

Water service is currently provided by WCCSD and was analyzed in the Rimrock Ranch Specific Plan and EIR, Appendix B Hydrology Study.

13. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

Project area is designated single-family residential and provides for five new homes with the possibility of five accessory dwelling units.

14. Any information or comments from the landowner or landowners, voters, or residents of the affected territory.

Only two phone inquiries were received regarding this project, and no objections have been raised.

15. Any information relating to existing land use designations.

Project area is governed by the Rimrock Ranch Specific Plan adopted by the Mono County Board of Supervisors in 2001.

16. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

Any new residents will have access and be provided the same services as current area residents. See item 2 above.

17. Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

Project area natural hazards were analyzed under the Rimrock Ranch Specific Plan EIR adoption in 2001. The project area is not in an identified Alquist-Priolo zone. In addition, the Multi-Jurisdictional Hazard Mitigation Plan (May 2019), the community of Swall Meadows/Wheeler Crest has been identified as needing secondary emergency access routes for both avalanche and wildfire hazards. Mitigation Measure 1.6 of this plan states:

For communities with only one access route, evaluate options to provide an emergency access route, prioritized based on multi-hazard risk to existing access.

## **ENVIRONMENTAL REVIEW**

The Mono County certified the Final Environmental Impact Report (FEIR) for the Rimrock Ranch Specific Plan in February 2001 (SCH# 98092066) as the Lead Agency under the California Environmental Quality Act (CEQA). Mono LAFCO is a Responsible Agency under CEQA and needs to independently consider the FEIR, environmental effects, mitigation measures, and make the necessary findings of the project directly related to LAFCO's function. Mono LAFCO's function is to:

• coordinate, direct, and oversee logical and timely changes to local governmental boundaries, includes annexation and detachment of territory, incorporation of cities, formation of special districts, and consolidation, merger, and dissolution of districts.

Mono LAFCO, as a Responsible Agency, has considered the FEIR before acting on the project (see Resolution R19-01).

## ATTACHMENTS

- A: Mono LAFCO Resolution R19-01 (Annexation 19-01)
- B: WCCSD Res 19-01 & Application

## **RESOLUTION R 19-01**

## A RESOLUTION OF THE MONO COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) ANNEXING PROPERTY INTO THE WHEELER CREST COMMUNITY SERVICE DISTRICT BOUNDARY

**WHEREAS,** the Wheeler Crest Community Service District (WSCSD) adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, to annex territory located within the County of Mono; and

**WHEREAS**, the Wheeler Crest Community Service District (WSCSD) currently provides water service to properties within their District Boundaries; and

**WHEREAS**, the principal reason for the proposed annexation into the WSCSD Boundary is to allow WSCSD to provide water service to five parcels (064-240-001, 002, 003, 004, & 005); and

**WHEREAS**, all the water infrastructure improvements and easements as a part of Tract Map 10-001/Haber has been completed and approved by Mono County: and

**WHEREAS,** the WSCSD provides water service via property assessments, excess water usage charges, and water hookup fees to properties within its district boundaries; and

**WHEREAS**, the WSCSD does not receive property tax revenue as a post proposition 13 district and the WSCSD is not requesting any property tax exchange; and

**WHEREAS,** a map of the proposal is set forth in Exhibits A & B, attached hereto and incorporated herein by this reference; and

**WHEREAS,** on June 26, 2019, this Commission considered the proposal and staff report of the Executive Officer, along with any public comment received on the proposal.

## NOW, THEREFORE, BE IT RESOLVED as follows:

A. Pursuant to Government Code Section 56668.3, the Commission hereby finds and determines that:
1) This district annexation has not been terminated, and 2) the following factors have been considered by the Commission:

(a) the proposed annexation will be for the interest of future landowners and inhabitants within the Wheeler Crest Community Service District annexation area;

- (b) factors have been considered by the Commission as provided in Section 56668;
- (d) no objections to this action have been raised by any affected agency; and
- (e) any other matters which the Commission deems material.
- B. The Commission finds that the Mono County certified a Final Environmental Impact Report (FEIR) for the Rim Rock Ranch Specific Plan (SCH#98092066) and the Commission has considered this FEIR under the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15096.
- C. The Commission has independently reviewed the environmental effects of the project as shown in the FEIR and finds none of the conditions described in 15162 or 15163 exist and that, accordingly, no subsequent or supplemental EIR is required. Moreover, the Commission has independently reviewed the CEQA Guidelines Section 15091 and 15093 findings for the Rim Rock Ranch Specific Plan made by Mono County in conjunction with its 2001 certification of the FEIR in Resolution R01-23, which findings are incorporated by reference herein, and adopts those findings as the findings of the Commission (Exhibit C).

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Commission directs staff to file a notice of determination under CEQA Guidelines 15094 and approve the District Boundary Annexation.

APPROVED and ADOPTED this 26 day of June 2019, by the following vote:

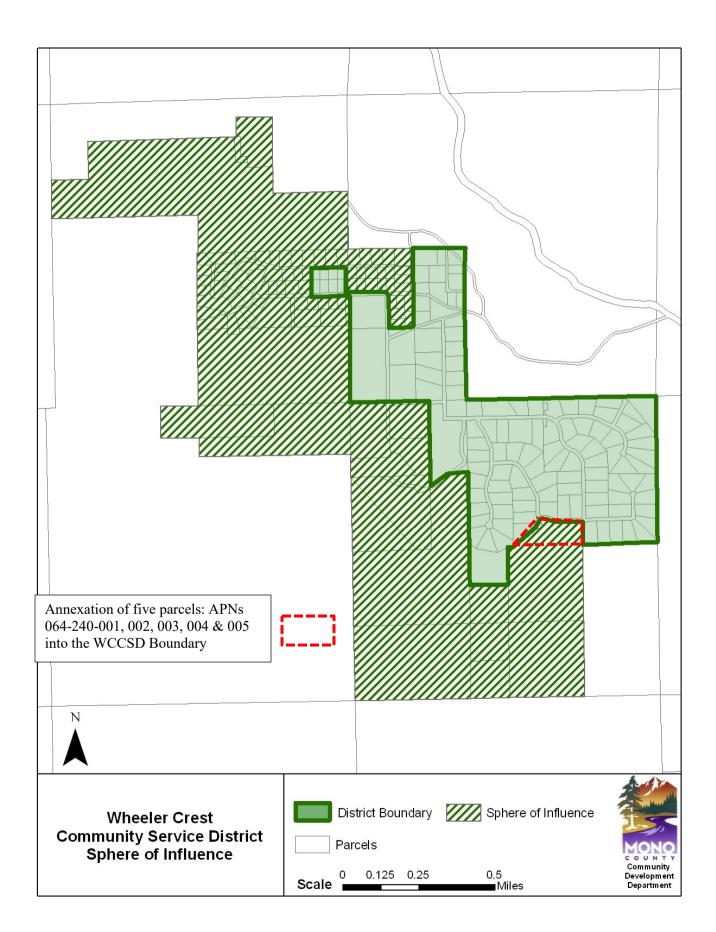
AYES: NOES: ABSENT:

Hank Brown, LAFCO Chair

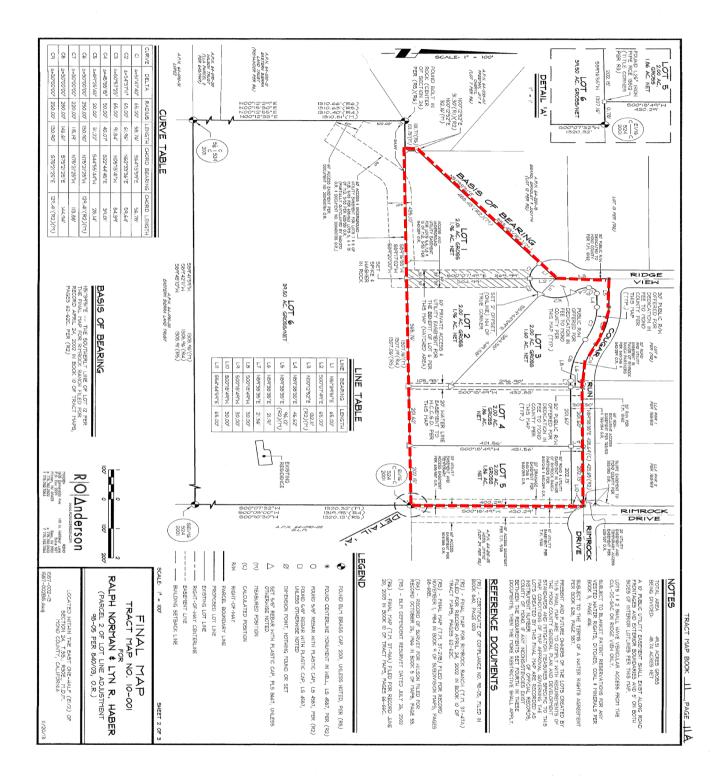
APPROVED AS TO FORM

CD Ritter LAFCO Secretary Anne Larsen, LAFCO Counsel

## Exhibit A of Resolution R 19-01



#### **Exhibit B of Resolution R 19-01**



Annexation of five parcels: APNs 064-240-001, 002, 003, 004 & 005 into the WCCSD Boundary



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## **RESOLUTION NO. R01-23**

## A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS CERTIFYING THE RIMROCK RANCH SPECIFIC PLAN FINAL EIR, ADOPTING RIMROCK RANCH SPECIFIC PLAN, AND APPROVING TENTATIVE TRACT MAPS #37-45, 37-47, & 37-49

WHEREAS, the overall objective of the Rimrock Ranch Specific Plan project is to provide a suitable rural residential development; and,

WHEREAS, the Rimrock Ranch Specific Plan would allow for development of 35 residential lots on  $80 \pm acres$ ; and,

WHEREAS, the Rimrock Ranch Specific Plan contains land goals, policies and standards for development of the property; and

WHEREAS, the Specific Plan Final Environmental Impact report were prepared simultaneously to incorporate environmental mitigation measures into the project to assist in designing the project around potential environmental constraints; and

WHEREAS, the County has performed it duty in responding to comments made to the Draft EIR and has at times responded to comments made after the close of the comment period. Multiple opportunities for the public to comment on the various environmental documents, as amended, have been provided. As allowed by CEQA Guidelines 15088 (c), the County has revised the text indicating where changes or corrections have been made so that a certifiable Final EIR could be produced. None of the changes made require recirculation of the EIR inasmuch as there is no significant new information added to the EIR under CEQA Guideline Section 15088.5. To the extent the information represented by the changes to the Draft EIR is "new", it merely clarifies or amplifies or makes insignificant modifications to the document. For example, impacts to wildlife were noticed to the public as potentially significant under the required Public Resources Code Section 21092 notice. The Taylor Deer Study was attached to

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the Draft EIR and circulated to the public. The Deer Study concluded that even with several noted mitigation measures, the potential impacts to the Round Valley Deer Herd would remain unavoidable and significant. The internal text of the 3 Draft EIR, however, misstated this conclusion. The FEIR corrects this misstatement: and 4

WHEREAS, the Rimrock Ranch Final EIR has been prepared and reviewed in compliance with CEQA; and,

WHEREAS, the Board of Supervisors hereby certifies the Rimrock Ranch Final EIR and adoption of the mitigation monitoring program contained therein finding that:

1. In compliance with CEQA Guidelines Section 15090 (a):

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- a. The Final Environmental Impact Report (FEIR) has been completed in compliance with CEOA;
- b. The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
  - c. The Final EIR reflects the lead agency's independent judgment and analysis.
- B. Based upon evidence in the Final EIR, all potentially significant impacts have been reduced to less-than-significant levels through mitigation measures, except for unavoidable, significant adverse impacts to the Round Valley Deer Herd, and as delineated in the specific findings contained in Exhibit A attached hereto.

WHEREAS, in consideration of evidence and testimony presented at the public hearing and in accordance with County Code Title 17, the Board of Supervisors adopts the following findings regarding the Tentative Tract Maps:

- 1. The Tentative Tract Maps complies with the provisions of California Environmental Quality Act (CEQA); an Environmental Impact Report has been prepared for the project.
- 2. The Tentative Tract Maps meets the general provisions of Chapter 17.04 of the County Code.
- 3. The Tentative Tract Maps are consistent with the General Plan Land Use Element.

14 4. Conditions of approval have been applied to the Tentative Tract Maps as 1 hereto as Exhibit B. 2 3 NOW THEREFORE, BE IT RESOLVED that the Mono County Board of Supervisors: 4 5 A. Certifies the Rimrock Ranch Final EIR. 6 Adopts the Rimrock Ranch Specific Plan with the nine (9) attached 7 Errata Sheet amendments. B. Approves Tentative Tract Maps #37-45, 37-47, & 37-49 with conditions 8 attached hereto as Exhibit B. 9 10 PASSED AND ADOPTED THIS 20th day of February 20, 2001, by the following vote of the Mono County Board of Supervisors: 11 12 AYES: Supervisors Cecil, Farnetti, Hunt and Pipersky. 13 14 NOES: None. 15 ABSENT: Supervisor Ronci. 16 17 ABSTAIN: None. 18 MAN **BYNG HUNT** CHANR 19 MONO COUNTY BOARD OF SUPERVISORS 20 ATTEST 21 22 Roberta Reed 23 Deputy Clerk of the Board of Supervisors 24 APPROVED AS TO FORM: 25 26 27 Marshall Rudolph, County Counsel 28 29 30

## EXHIBIT A

## ENVIRONMENTAL IMPACT FINDINGS REQUIRED BY CEQA GUIDELINES SECTION 15091 RIMROCK RANCH SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT

## PART I: FINDINGS RELATIVE TO POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS

#### **GEOLOGY AND SOILS**

1. <u>POTENTIALLY SIGNIFICANT EFFECT</u>: The soil underlying the project, when disturbed, is potentially highly erodible which may result in potential visual impacts and impacts to air and water quality during construction.

<u>STATEMENT OF FACTS</u>: Permanent clearing of native vegetation for structures, landscaping, gardens, animal enclosures, and driveways shall be limited to twenty (20) percent of total lot area. Areas disturbed during the construction of roads shall be revegetated as soon as possible following completion of the roads.

<u>FINDING</u>: Changes or alterations have been required in, or incorporated into the project which reduce this potential impact to a level that is less than significant.

## HYDROLOGY AND WATER QUALITY

1. <u>POTENTIALLY SIGNIFICANT\_EFFECT</u>: The project has the potential to impact groundwater resources by increasing the use of subsurface water for the project.

<u>STATEMENT OF FACTS</u>: A monitoring program shall be implemented to ensure that possible impacts to the groundwater resource in the surrounding area that are measurable and attributable to the operation of Wheeler Crest Community Service District well No. 4 are avoided.

<u>FINDING</u>: Changes or alterations have been required in, or incorporated into the project which reduce this potential impact to a level that is less than significant.

## VEGETATION

1. <u>POTENTIALLY SIGNIFICANT EFFECT</u>: The project will result in the removal of native vegetation.

<u>STATEMENT OF FACTS</u>: Permanent clearing of native vegetation for structures, landscaping, gardens, animal enclosures, and driveways shall be limited to twenty (20) percent of total lot area. Certain areas of riparian vegetation adjacent to onsite drainages

will be preserved with open space easements. Landscaping shall be used to minimize potential visual impacts resulting from development and to provide vegetative screening around structures to reduce deer avoidance of developed areas.

<u>FINDING:</u> Changes or alterations have been required in, or incorporated into the project which reduce this potential impact to a level that is less than significant.

2. <u>POTENTIALLY SIGNIFICANT EFFECT</u>: The removal of native vegetation will remove habitat and forage for local wildlife, particularly deer.

<u>STATEMENT OF FACTS</u>: Approximately 100 acres sold to the Department of Fish and Game shall be limited to undisturbed natural uses. The 80 acres proposed for subdivision will provide open space areas with large setbacks of 50 feet from all property lines creating 100-foot wide development-free corridors centered along property boundaries. Additionally a 30-foot setback is required from the top of the bank of onsite perennial drainages that will maintain open space along those drainages.

<u>FINDING:</u> Changes or alterations have been required in, or incorporated into the project which reduce this potential impact to a level that is less than significant.

#### VISUAL

1. <u>POTENTIALLY SIGNIFICANT EFFECT</u>: Some visual impacts might be anticipated from various viewpoints.

<u>STATEMENT OF FACTS</u>: The use of low profile structures (heights shall not exceed 22 feet) and use of earth-tone colors and non-reflective materials will help to mitigate visual impacts. All utilities shall be installed underground. Architectural plans for any structure shall be reviewed and approved by the Wheeler Crest Design Review Committee. Landscaping guidelines shall apply to all development and revegetation of disturbed areas shall occur as soon as possible following construction.

<u>FINDING</u>: Changes or alterations have been required in, or incorporated into the project which reduce this potential impact to a level that is less than significant.

#### UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL EFFECTS

#### WILDLIFE

 <u>POTENTIALLY SIGNIFICANT EFFECT</u>: Due to the impacts of the project from human intrusion, alteration of wildlife habitat, construction impacts, and indirect mortality impacts on wildlife, potentially significant impacts will be present which cannot be mitigated to less than-significant levels.

<u>STATEMENT OF FACTS</u>: Although there are no federal or state-listed rare, threatened or endangered wildlife species known to be present on the site, the project area provides habitat for mule deer. Mitigation Measures will lessen potential impacts, but not to a less-than-significant level.

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FINDING: Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR to the extent feasible. Additional mitigation or project alternatives with less environmental impact are infeasible due to specific economic, engineering and other factors.

#### PART II: FINDINGS RELATIVE TO ALTERNATIVES

The Mono County Board of Supervisors finds that the project alternatives identified in the Final EIR are infeasible due to specific economic, social, or other considerations, and that the alternatives identified in the Final EIR, except the "no project" alternative, would have similar or greater environmental impacts than the proposed project.

The Mono County Board of Supervisors finds that Alternative 1, the No Project Alternative, which is the least environmentally damaging scenario, is infeasible due to social and economic considerations. This alternative would not allow subdivision on the project site and would not meet the project's objective: "to provide 35 rural residential parcels (including access and utilities) for construction of a custom designed single-family residence on each parcel."

The Mono County Board of Supervisors finds that Alternative 2 redesigned project (Fewer Lots - 23 lots/reduced developed area) and Alternative 3 redesigned project (Larger Lots average 4 acre parcels/reduced density - 20 lots) would only partially fulfill the project objective of providing lots for single-family residential construction. Additionally Alternative 4 redesigned project (Cluster Development) cluster development in the northern and eastern portions of the subject parcel, adjacent existing subdivided and developed areas, with approximately a 50% reduction in the developed area, would require a General Plan Amendment to change the minimum 2 acre parcel size.

Alternative Locations, is infeasible due to social and economic considerations. The possibility of alternative locations has been studied, including evaluation of one other site in Sunny Slopes area just north of Tom's Place. The site was ultimately found unable to offer a feasible opportunity for relocation of the project proposal.

## STATEMENT OF OVERRIDING CONSIDERATIONS RIMROCK RANCHSPECIFIC PLAN/FEIR

Mono County's economy is primarily supported by tourism and outdoor recreation. The Rimrock Ranch project would expand single family residential. By expanding single family residential, the project would enhance the local economy by attracting additional permanent residents and providing additional job opportunities. The Mono County Board of Supervisors finds that the level of development provided for under the Rimrock Ranch Specific Plan would significantly benefit Mono County's economy and would thereby outweigh significant unavoidable impacts associated with the project to impacts to the round Valley Deer Heard.

The Rimrock Ranch project is located south and west of existing development along Rimrock Drive in the Wheeler Crest Community, immediately west of the Pinon Ranch subdivision. The project site includes approximately 180 acres; 80 acres adjacent to existing development are proposed for subdivision, the remaining 100 acres are proposed for open space designation and have been sold to the Department fo Fish and Game for deer habitat protection.

Access to the property is from the north via Valley View Road and Rimrock Road, which are county maintained paved roads, or from dirt roads located to the south of the property on City of Los Angeles land which connect the property to Lower Rock Creek Road near Paradise Estates.

Although the project has been designed to avoid deer impacts and mitigation measures have been incorporated into the Specific Plan and Final EIR which mitigate deer impacts to the lowest feasible level, any development in the currently undeveloped project area will have some deer consequences which are considered significant and unavoidable.

The development of the Rimrock Ranch Specific Plan project would create additional jobs in southern Mono County. It would generate additional revenues for the County, particularly in the form of property taxes. Based upon these considerations, the Mono County Board of Supervisors finds that the potential benefits derived from the Rimrock Ranch Specific Plan project outweigh the project's significant unavoidable impacts to Round Valley Deer Herd and that a Statement of Overriding Considerations is warranted.

#### EXHIBIT B

## CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM SPECIFIC PLAN RIMROCK RANCH

#### Conditions of Approval

- a. Schedule of Compliance
- b. Responsible Monitoring Agency or Department
- c. Implementing Party
- d. Type of Measure: Design, Ongoing, and Cumulative
- 1. All new development shall be in accordance with the Land Use Policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures: i.c.
  - A. One single-family residence per parcel.
  - B. One detached guest house per parcel. The guest house shall not contain any kitchen or cooking facilities.
  - C. Detached secondary residences shall not be permitted.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 2. Site development standards as set forth in the Land Use Policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures shall be followed: i.e.
  - A. Site disturbance: Permanent clearing of native vegetation for structures, landscaping, gardens, animal enclosures, and driveways shall be limited to twenty (20) percent of total lot area. Areas temporarily cleared for utility line construction, leach field or septic tank construction, well drilling operations or other temporary surface disturbances shall be revegetated as soon as possible in compliance with the revegetation standards in Natural Resource Conservation Policies 10 and 11 of the Specific Plan. On lots smaller than five (5) acres, an additional ten (10) percent of the total lot area may be cleared or otherwise utilized for livestock pens or corrals. The remainder of the parcel shall remain in its natural condition.
  - B. Building Setbacks: 50 feet front, 50 feet side and 50 feet rear. No exceptions shall be allowed.
  - C. Lot coverage: 20 percent maximum.
  - D. Building height shall not exceed 22 feet, determined by adding the heights of each of the four corners of the building above the natural grade and dividing by four.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions

- c. Applicant
- d. Design/Ongoing
- 3. The Open Space requirements of the Land Use Policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures shall be followed: i.e.
  - A. Large setbacks of 50 feet from all property lines are required that will create 100-foot wide development-free corridors centered along property boundaries.
  - B. A 30-foot setback is required from the top of the bank of onsite perennial drainages that will maintain open space along those.
  - C. Certain areas of riparian vegetation adjacent to onsite drainages, which have been identified by the project biologist as desirable for wildlife habitat, will be preserved with open space easements.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 4. The project proponents shall provide the County with a "will-serve" letter from the Wheeler Crest Community Services District (CSD), indicating that the CSD has adequate water capacity to serve the proposed project.
  - a. Must be satisfied prior to recording of each final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 5 The project shall provide a calculated fire flow of five hundred gallons per minute (500 gpm) at 20 pounds per square inch (20 psi) residual pressure for a duration of two hours at fire hydrants installed throughout the project. The project proponents shall provide the County with a "will serve" letter from the Wheeler Crest Fire Protection District (FPD) indicating the District's approval of the project's compliance with this requirement and indicating approval of the final map(s).
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 6. All utilities (electricity, water, sewer, telephone, LPG, cable TV, etc.) shall be installed underground. All service connections shall be placed such that the roadway will not have to be cut up for service connections to future residences.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design

- 7. Individual propane tanks may be installed on each parcel. Propane tanks shall be shielded to reduce visual impacts as specified by the Design Guidelines policies. Section III Specific Plan Goals, Policies & Implementation Measures of the Rimrock Ranch Specific Plan. Liquefied Petroleum Gas (LPG) shall be installed according to all applicable codes and Mono County Code 15.04.056.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Departments
  - c. Applicant
  - d. Design/Ongoing
- 8. A maintenance district shall be created by the developer of the project to inspect and test all non-conventional sewage disposal systems and provide a report to the Mono County Health Department annually. Lots involved shall incur the costs of the inspection.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 9. Exterior lighting on individual lots shall be designed and maintained to minimize the effects of lighting on the surrounding environment. Exterior lighting shall be limited to that necessary for health and safety purposes; high intensity outdoor lighting shall be avoided or adequately shielded; the source of lighting must be concealed on all exterior lighting and all lighting must be designed to confine light rays to the premises of each individual lot. In no event shall a lighting device be placed or directed so as to permit light to fall upon a public street, adjacent lot, or adjacent land area. Lights which could potentially illuminate the deer habitat on the DFG parcel shall be prohibited (i.e. on Specific Plan lots 1-9, and 35).
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 10. Siting and design of roadways, driveways and structures shall minimize cut and fill.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 11. Structures and fences shall be designed and constructed to harmonize with existing development in the area, the surrounding natural environment, and onsite topography. The following design guidelines shall apply to all development:
  - A. Structural siting and design should be sensitive to the topography of individual lots.
  - B. Roofing shall be fiberglass shingles or metal in colors compatible with the area (e.g. tan, brown, dark green, or similar colors).
  - C. Bright colors or reflective materials shall not be used for any component of any structure.

- D. Siding materials shall have a natural appearance compatible with the surrounding environment. The use of indigenous rock shall be encouraged.
- E. Siding materials shall be stained, painted or otherwise finished in muted earth tones in order to blend into the surrounding environment.
- F. Colors and materials for fences shall be muted and shall blend with the surrounding natural environment.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development/Building and Planning Divisions
- c. Applicant
- d. Design/Ongoing
- 12. Architectural plans for any structure (e.g. dwelling unit, garage, barn, etc.) shall be reviewed and approved by the Wheeler Crest Design Review Committee prior to approval of the building permit.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 13. The total fenced area on any parcel shall be limited to the total area disturbed onsite as allowed under Land Use Policy 4a of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures. Fencing shall be three strand wire or three rail pipe or wood fence. Solid wood fencing may be constructed within the immediate vicinity of a structure but shall encompass an area not greater than 500 square feet.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 14. Wire fences shall consist of 3 single strand wires placed 20, 30 and 42 inches from the ground. All wire shall be smooth strand.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 15. Fencing used for livestock facilities (corrals, etc.) shall incorporate the use of poles, piping or other non-wire materials to allow deer safe passage.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing

- 16. Each parcel shall be landscaped in accordance with the landscaping guidelines in Design Guidelines Policy 10 of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures within six (6) months of the issuance of a Mono County Certificate of Occupancy for a dwelling unit on a parcel.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 17. The following landscaping guidelines shall apply to all development:
  - A. Landscaping shall be used to minimize potential visual impacts resulting from development and to provide vegetative screening to reduce deer avoidance of developed areas. Screening cover should be planted in a minimum 20 foot wide band along the western property line of all lots that border the DFG parcel consisting of an inner strip of indigenous trees and an outer dense strip of indigenous shrubs.
  - B. The following elements shall be shielded using landscaping: trash receptacles, propane tanks, and structures. Trash receptacles and propane tanks may also be shielded with fencing.
  - C. Xeriscape landscaping (drought-resistant planting, soil preparation and low water use irrigation systems, etc.) shall be required (Wheeler Crest Area Plan, Objective G, Action 1.3). Drip irrigation systems shall be encouraged.
  - D. Use of native, indigenous species shall be required (Wheeler Crest Area Plan, Objective G, Action 1.3).
  - E. The use of larger planting stock is encouraged to accelerate the process of visual screening.
  - F. Young plants shall be protected from deer and rodents until they are established, e.g. a 5 foot wire fence or vexar tubing have been found to work well to protect seedlings from deer.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 18. Parcel grading operations, structural foundation work, framing work and similar heavy construction activities shall be restricted to the period between May 15 and October 1 to minimize disturbance to migrating and wintering deer. This restriction shall not apply to emergency repair work. Emergency repair work shall be defined as that necessary to ensure public health and safety (e.g. water and sewer repair work, power repair work, emergency road clearing activities, etc.).
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing

- 19. Construction shall be limited to daylight hours in accordance with Mono County Code Chapter 10.16 (Noise Regulation) in order to minimize impacts to nocturnal resident wildlife species, such as mule deer.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 20. Impediments to deer movement, such as spoil piles, open ditches and excessive cut and fill slopes shall be minimized to the greatest extent possible; e.g. ditches or trenches should not be left open at night as they can be hazardous to deer and other nocturnal wildlife.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 21. With the exception of wells, septic systems, and fire safe storage facilities, surface disturbance activities such as residential development, corrals, fencing and raising crops shall be prohibited outside private yard fenced areas.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 22. Domestic animals shall be restrained at all times, either through the use of leashes or private fenced areas. No animals shall be allowed to be free roaming. Horses and other grazing animals shall be penned or tethered in areas such that the native vegetation is not impacted by such animals in accordance with the site disturbance limits established in Land Use Policy 3a of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 23. Dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing

- 24. Dust generated during construction shall be controlled through watering or other acceptable measures.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 25. Noise levels during construction shall be kept to a minimum by equipping all onsite equipment with noise attenuation devices and by compliance with all requirements of Mono County Code Chapter 10.16 (Noise Regulation).
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 26. Property owners shall refrain from clearing native vegetation except as necessary for construction.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 27. Grading and erosion control plans shall be required of future residential construction involving more than 10,000 square feet disturbance. Plans will be developed with the individual project applicant, Mono County Planning Department, and Mono County Public Works Department.
  - a. Requires monitoring over a period of time, usually linked to future development.
  - b. Planning Division and applicable Federal and or State Agency
  - c. Applicant
  - d. Design/Ongoing
- 28. Grading permits shall be required for all future construction that will clear more than 10,000 square feet or requires any cuts greater than 4 feet or fill greater than 3 feet. Construction requiring more than 200 cubic yards of cut or fill will also require a grading permit. During construction phase, dust controls shall be instituted to reduce this impact. Such controls are to include watering and mulching of disturbed areas; initiation of revegetation efforts should commence as soon as practical after construction.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of grading, driveway, and residential construction.
  - b. Public Works Department
  - c. Applicant
  - d. Design/Ongoing

- 29. Erosion control measures on disturbed areas shall include the use of netting or similar erosion control materials, the removal, stockpiling, and replacement of topsoil, and revegetation with a native seed mix and/or native plants.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 30. Revegetation of disturbed areas shall occur as soon as possible following construction and shall require the use of native seeds, native plants grown from seeds or seedlings obtained from local native stock. Revegetated areas shall be monitored for a period of five years to ensure the success of the project and shall be replanted if necessary. Revegetated areas shall be irrigated as necessary to establish the plants.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 31. All woodburning devices installed in the project shall be Phase II EPA certified, in conformance with the Mono County General Plan (Conservation/Open Space Element, Public Health and Safety policies, Objective A, Action 6.1).
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 32. Design and construction of roadways, driveways and structures shall comply with all requirements of Mono County Code 13.08 (Land Clearing, Earthwork, and Drainage Facilities) and the Lahontan Regional Water Quality Control Board (including requirements for NPDES Stormwater Permits if applicable).
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 33. The project proponent shall stop work and notify appropriate agencies and officials if archaeological evidence is encountered during earthwork activities. No disturbance of an archaeological site shall be permitted until such time as the applicant hires a qualified consultant and an appropriate report is filed with the County Planning Department which identifies acceptable site mitigation measures. Road construction/grading plans shall include such notice.
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing

- 34. All development shall be set back at least 30 feet from the top of the bank of onsite perennial drainages in compliance with Mono County General Plan Land Use Element, Section IV, 04.130 (7)(b).
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 35. The Groundwater Monitoring Program as outlined by Kleinfelder, Incorporated (dated January 8, 2001) and attached hereto shall be implemented for this project. The applicant shall fund the monitoring program either directly or through a long term funding mechanism (e.g., zone of benefit). The Mono County Planning Department shall be the implementing agency. A qualified consultant shall be hired to conduct the monitoring and reporting program. Data collected shall be analyzed by the consultant to evaluate the potential for impact to groundwater supply. The Planning Department shall request that the Wheeler Crest Community Service District allow monitoring of its wells. Where private wells are involved, the Planning Department shall request those private well owners to allow monitoring. Monitoring shall continue until a certificate of occupancy has been issued for 80% of the Rimrock Ranch lots. In conjunction with yearly monitoring of the Specific Plan or sooner if appropriate, a report of the well monitoring program shall be submitted to the Planning Commission. If significant impacts to groundwater levels are reported, the Planning Commission and/or the Board of Supervisors shall consider possible moratoriums on building permit issuance or final map approvals, and recommendations to the CSD for water rationing, outdoor landscaping restrictions or other possible remedies.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 36. All roads shall be constructed to County Roadway standards, with a 60-foot wide right-ofway and 26 foot wide paved traffic lanes.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 37. Road grades shall not exceed nine (9) percent without the approval of the Mono County Department of Public Works.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 38. A Zone of Benefit district shall be created by the developer along newly accepted County roads in order to pay for road maintenance and snow removal.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design

- 39. Areas disturbed during the construction of roads shall be revegetated as soon as possible following completion of the roads in compliance with the landscaping and revegetation requirements in the NRC policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 40. To minimize direct mortality impacts to the deer herd from vehicle collisions, signs shall be posted along roads within the project area warning drivers of the presence of deer.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 41. Driveways shall be designed to minimize grades so that year-round access is assured and on-street parking is avoided (Mono County Circulation Element, Wheeler Crest policies, Action 3.1)
  - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
  - b. Community Development/Building and Planning Divisions
  - c. Applicant
  - d. Design/Ongoing
- 42. Each phase shall be subject to State and County subdivision requirements. All infrastructure (roads, utilities, water) and associated landscaping and revegetation shall be available, in the process of being constructed, or bonded for prior to recording of each project phase.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 43. Drainage easement(s) shall be offered to the public for the drainage swale(s) shown on the tentative maps. The width shall be a minimum of 50 feet. No modification or alteration of the drainage easement shall be made without the written consent of the applicable departments of Mono County.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 43. A letter of clearance and/or waste discharge requirements from Lahontan Regional Water Quality Board shall be obtained, if necessary.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design

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- 44. All road(s) grading and earthwork activities must be conducted in accordance with an approved road construction plan and/or grading plan.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 43. Construction material (rock, debris, etc.) that is not utilized for road fill material shall be removed to a designated dump site or other approved site.
  - a. Must be made part of the Grading/Road construction plans for the project.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 44. The applicant will be required to submit a soils report or process a soils report waiver. Any such report or waiver shall be reviewed and approved by the Director of Public Works, according to the provisions of Mono County Code (MCC) Section 17.36.090.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 45. Project applicant shall inform future owners and developers of the project mitigation measures, as a means of reducing or eliminating impacts to less than significant levels, as contained in the Rimrock Ranch Specific Plan (Goals, Policies & Implementation Measures) and CC & R's.
  - a. Must be satisfied prior to recording of final map. This information must be made part of the information given to buyers.
  - b. Public Works and Planning Department
  - c. Applicant
  - d. Design
- 45. An air quality permit shall be obtained from the Great Basin Unified Air Pollution Control District, if required.
  - a. Must be satisfied prior to recording of final map.
  - b. Building Department
  - c. Applicant
  - d. Design
- 46. The developer shall provide necessary easements for existing and proposed utility service within the subdivision.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design

- 47. After approval of water plans by the Mono County Health Department and prior to final map approval, the complete water system shall be installed, or agreement with improvement security acceptable to the County shall be provided to guarantee construction.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 48. The project shall comply with the Fire-safe Regulations (Mono County General Plan, Land Use Element, Land Development Regulations Chapter 22) pertaining to emergency access; signing and building numbering; emergency water supplies; and vegetation modification (see also Infrastructure Policy 3 pertaining to emergency water supplies; Design Guidelines Policy 10 pertaining to landscaping and vegetation modification; and Traffic Policy 3 pertaining to fire-safe standards for roadway construction of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures).
  - a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit and or certificate of occupancy.
  - b. Building Department
  - c. Applicant
  - d. Design
- 49. The developer shall reach an agreement with Dan and Linda O'Dell to mitigate potential future impact to the O'Dell's existing water well. Prior to recording of the final map, the developer shall furnish Mono County with a signed letter from the O'Dell's confirming that the agreement has been reached with the developer.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design
- 50. The developers have agreed that Tentative Tract Map 37-49 shall not be recorded before February 20, 2003, to allow for investigation of possible purchase by the California Department of Fish and Games.
  - a. Must be satisfied prior to recording of final map.
  - b. Public Works Department
  - c. Applicant
  - d. Design

#### RESOLUTION NO. 2019 -01

## RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHEELER CREST COMMUNITY SERVICE DISTRICT MAKING APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION OF MONO COUNTY TO TAKE PROCEEDINGS FOR THE ANNEXATION OF FIVE PARCELS INTO THE WHEELER CREST COMMUNITY SERVICE DISTRICT

WHEREAS, the Wheeler Crest Community Service District ("WCCSD" or "District") desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation of five parcels that have requested inclusion within the District's territory; and;

WHEREAS, a notice of intent to adopt this resolution of application has not been given to each interested and subject agency;

WHEREAS, this proposal is consistent with the District's existing sphere of influence, and therefore there are no affected cities or districts within the meaning of Subdivision (a)(9) of Section 56700 of the Government Code except WCCSD;

WHEREAS, the territory proposed to be annexed into WCCSD is uninhabited and a map and description of the boundaries of the affected parcels are set forth in Exhibits A attached hereto and by this reference incorporated herein;

WHEREAS, it is desired to provide that the proposed annexation be subject to the following terms and condition:

All costs incurred to complete the annexation, including but not limited to Mono LAFCO and the State Board of Equalization fees and expenses, will not be paid by WCCSD.

WHEREAS, pursuant to Section 56663 of the Government Code, that the property in question is currently uninhabited.

WHEREAS, since the property owner has already paid WCCSD to move said parcels into Lower Swall Meadows' zone of benefit, the owner consents to the annexation. Therefore, the District wishes to waive the notice and hearing and (or) election. A "will serve" letter from WCCSD to provide water service has already been provided to the property owner.

Now, THEREFORE, BE IT RESOLVED that this Resolution of Application is hereby adopted and approved by the Board of Directors of the Wheeler Crest Community Service District and the Board hereby requests that the Local Agency Formation Commission of Mono County to take proceedings for annexing the five parcels shown in Exhibit B according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

BE IT FURTHER RESOLVED that the Districts' Chairman is directed to file an executed copy of this Resolution of Application with the Mono LAFCO's Executive Officer, and is designated as the recipient of all LAFCO notices related to the proposed annexation.

PASSED AND ADOPTED by the Board of Directors of the Wheeler Crest Community Service District on January 9, 2019, by the following vote:

AYES: Glean INONE William DUNLAP. BREAT MITHER, DAN CONNORS, CHARLES TUCK NOES: NONE ABSENT: NONE ABSTAIN: MONE

Approved:

Attest: ~

William Dunlap - Secretary

Glenn Inouye – Chairman

Poteo: 1/9/2019

2 of 2

Mono Local Agency Formation Commission

Minaret Village Mall 437 Old Mammoth Road, Suite P Mammoth Lakes, CA 93546

Mailing address: PO Box 347, Mammoth Lakes, CA 93546

760-924-1800 / 760-924-1801 fax email: comdev@monocounty.ca.gov

## DATE BOUNDARY CHANGE APPLICATION RECEIVED BY LAFCO

## **BOUNDARY CHANGE PROPOSAL APPLICATION**

This application is designed to be used for all proposals received by the Commission. If a question is not applicable to your proposal, please note accordingly. Thank you for your cooperation and assistance in completing this application.

A) An application is hereby made for boundary changes (such as an annexation, detachment, or formation) involving the following cities and special districts:

Action: (ex. annex, detach)		Agency:
1) Sphere of Influence change and	to <del>/from</del>	Wheeler Crest Community Service District
2) Annexation of vacant parcels	to/from	
	to/from	
	to/from	
	to/from	

B) This proposal includes:

- 1) 12 or more registered voter
- 2) 100 % consent of property owners

YES		NO	X
YES	Х	NO	

C) Assessor's Parcel Numbers (Attach a list if necessary):

064-240-001	064-240-004
064-240-002	064-240-005
064-240-003	

D)	Is this proposal consistent with the adopted Sphere of Influence of all affected agencies					
	YES	Х	NO			

- E) The following items <u>must</u> be submitted with this application:
  - 1) A resolution of application adopted by the affected city or special district OR A resolution of application adopted by the affected city or special district

A resolution of	application	adopted b	ly the a	anected	city or	special d	Istrict

- 2) One copy of a metes-and-bounds description of the perimeter of the subject territory.
- 3) <u>1 copy of a plat map</u> showing the subject territory <u>AND</u> the existing boundaries of the affected city or district.

### **JUSTIFICATION**

A) In as much detail as possible, please explain why this proposal is necessary <u>at this time</u>. (For example, a proposed development or existing residences might require services not currently provided or available.)

SPID 10TS ARE WITHIN A MAP PROPOSAL -THAT HAS AVERADY BLUN APPROVED SAID 10TS HAVE ALGEDDY PAID A FEE TO NCCSD FOR A "WILL SERVE" LEMEN TO PROVIDE WOTER THAT HAS BEEN PROVIDED.

B) Is this change of organization proposed to carry out a development project? If so, describe the project.

Tract Map Haber – 5 Lot Subdivision: See Attached TM 10-001 & Rim Rock Ranch Specific Plan

### DESCRIPTION

A) Describe the general location and physical features of the territory included in this proposal. Refer to major roads, watercourses, and topographical features.

Tract Map Haber -- 5 Lot Subdivision: See Attached TM 10-001 & Rim Rock Ranch Specific Plan

B) How many acres (or square miles) of territory are included in the proposal?

C) How many people live in the subject territory / affective area? Zero

D) How many registered voters live in the subject territory / area? Zero

#### E) Proposed Land Use:

1) Describe the anticipated development (type of buildings, number of units, number of permanent employees who will work in any new commercial or industrial projects).

isted	
res. Th	e Tract Map is approved for 5 individual lots. This proposed action would correct a shere / annexation that was no
	If so, please indicate in terms of potential use, number of units, etc.
2)	If no development is planned at this time, would approval of this proposal increase the development potential of the property? YES NO

### SPECIAL REVENUES

A) Does the city or special district have plans to establish any new assessment districts, service charges, or other means including tax exchanges to pay for new or extended services to this area?

	YES	
If so, please explain:	1 0-	- ,
YES- EACH DARDE WILL BE SUBJECT TO	AN MANI	Jal
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TO A "PONNECTEP" PATERAL AS WELL AS HA	ET STATL	150 All
PRICING POLICIES FOR "CONNECTED" / PTERA	ts will	they
BE IN EFFECT.		
B) Will the area assume liability for any existing bonded debt upon	_	
	YES	NOX
If so, please indicate taxpayer cost:		
5		
C) Will the territory be subject to any new or additional taxes, ben	efit charges, ta	ax exchanges, or
fees?		
	YES 🗌	NO
If so, please explain:		
SAVE AS ABOUE		

5

### **INDEMNIFICATION**

LAFCO requires that applicants indemnify LAFCO from litigation costs as a condition of all approvals. Contact LAFCO staff if you have any questions. A separate indemnification is required to be submitted as a part of the application process.

Indemnification form submitted with application

### PROPONENT INFORMATION

LAFCO will consider the person signing this application as the proponent and representative of an agency requesting the proposed action(s). Notices and other communications regarding this application will be directed to the proponent at:

Name:	Glenn Inouye				
Address:	85 Cougar Run				
City:	Bishop, CA			Zip:	93514
Phones:	Work:	Fax:	760	38	1-2156
	Cell: 160 914-0405	Home	e: 160	38	7-2156
email:	ghinouye1@gmail.com		1		
Signature of	A	$\mathcal{D}_{\mathcal{A}}$			
Applicant/ District:	YOU THU	19			

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3 to - ----

YES X NO

6 Boundary Change Application

PO Box 347 Mammoth Lakes, CA 93546 760-924-1800, fax 924-1801 commdev@mono.ca.gov PO Box 8 Bridgeport, CA 93517 760-932-5420, fax 932-5431 www.monocounty.ca.gov

### **STAFF REPORT**

June 26, 2019

To: Mono County LAFCO

From: Gerry Le Francois, Executive Director Kelly Karl, Assistant Planner

### RECOMMENDATION

Open public hearing, provide any desired direction to staff, and adopt budget for fiscal year 2019-20.

### BACKGROUND

The Budget for fiscal year 2019-20 must be at least equal to the budget adopted for the previous fiscal year unless the Commission finds that reducing staffing or program costs will still allow the LAFCO to fulfill the purposes and requirements of the Act. Employee expenses should be lower due to retirement of the prior executive director. The preliminary budget of \$10,869 reflects a status-quo level of funding. Finance Department staff has suggested implementing a time accounting program for all LAFCO activities to increase the accuracy of future operating budgets.

### **ALTERNATIVE APPORTIONMENT**

The CKH Act establishes methods for apportioning LAFCO staffing and program costs among the County, Town and special districts. The law allows alternative apportionment methods, which Mono LAFCO has used in the past to avoid impacting financially constrained special districts. Prior to using an alternative apportionment method, LAFCO costs were fully borne by the Town of Mammoth Lakes and Mono County. In recent years, the Commission applied an alternative apportionment method consisting of a third from Mono County; a third from the Town of Mammoth Lakes; and a third from special districts, with the special district share provided exclusively from the Southern Mono Healthcare District and the Mammoth Community Water District, rather than from all independent special districts.

The proposed preliminary budget reflects this same alternative budget apportionment method, which consists of a third (\$3,714.70) from Mono County; a third (\$3,714.70) from the Town of

Mammoth Lakes; and a third (\$3,714.70) from the special districts. Instead of all independent special districts in Mono County contributing, this alternative apportionment consists of \$1,857.35 from Southern Mono Hospital District and \$1,857.35 from the Mammoth Community Water District.

### FY 2019-20 BUDGET

The attached Preliminary Budget for fiscal year 2019-20 maintains a status-quo funding level. This level of funding has been sufficient for LAFCO activity this past year. The main staff activity included:

- Review the Cortese-Knox-Hertzberg Act;
- Research and process the Mammoth Community Water District Annexation; and
- Review current Sphere of Influence and Municipal Service Review of all special districts.

Anticipated work tasks for 2019-20 include:

- Consider LAFCO policies in updating housing policies and mitigation requirements;
- Attend staff training;
- Review LAFCO agriculture preservation policies as a part of a Sustainable Agriculture grant;
- Assess water service providers, including irrigation services, as a part of the Walker River Water Transfer Study and EIR;
- Continue to provide staff assistance as warranted to the Tri-Valley Groundwater Management District in responding to the Sustainable Groundwater Management Act;
- Respond to application activity and special district inquiries;
- Update municipal service reviews of fire districts and start reviews of other special districts; and
- Review plans, projects and environmental documents for LAFCO concerns.

This expected level of activity, which is similar to last year, is reflected in the attached recommended FY 2019-20 Budget.

### MONO COUNTY LAFCO FY 2019-20 BUDGET

Salary and Benefits	\$8,069
Memberships (CALAFCO)	\$1,075
Office Expense	\$200
Travel and Training	\$1,500
Legal Notices	\$300
TOTAL	\$11,144

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### **STAFF REPORT**

June 26, 2019

To: Mono County LAFCO

From: Gerry Le Francois, Executive Director Kelly Karl, Assistant Planner

### RECOMMENDATION

Appoint a public member to the Commission, term to expire May 1, 2023.

### BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 allows for other members of the Commission to appoint a public member (GC 56325 (d)) to represent the general public. The appointment of the public member shall be subject to the affirmative vote of at least one of the members appointed by each of the other appointing authorities.

Whenever a vacancy occurs for a public member, the commission shall cause a notice of vacancy to be posted as provided in Government Code section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the county. Final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.

Under Government Code section 56331, no person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or district with territory in the county.

The term of office of each member shall be four years, expiring on the first Monday in May in the year in which the term of the member expires, and/or until the appointment and qualification of his or her successor (GC 56334).

One application was received, and the notice of vacancy was posted according to GC section 56158, published in the Mammoth Times and The Sheet, sent to special districts and legislative bodies, and posted on the LAFCO website: <u>https://monocounty.ca.gov/lafco/page/resources</u>

### ATTACHMENT

• Public Member Application from Bruce Woodworth

PO Box 347 Mammoth Lakes, CA 93546 760-924-1800, fax 924-1801 commdev@mono.ca.gov PO Box 8 Bridgeport, CA 93517 760-932-5420, fax 932-5431 www.monocounty.ca.gov

### PUBLIC MEMBER APPLICATION

NAME	Bruce Woodworth	
ADDRESS		
CITY/STATE/Z Coleville,	<sup>/ZIP</sup> , CA 96107	
TELEPHONE E-MAIL _	@gmail.com	
_	n/BUSINESS Licensed Land r	
PLEASE PROV	VIDE A BRIEF STATEMENT OF INTEREST/INTRODUCTION:	
Current F	Public Member of the LAFCO board	
Director (	on several non-profit boards in Mono County	
	ed by the Board of Supervisors to the Antelope Valley RPAC d been a member since that time.	<u>in</u>
Professio	onally familiar with land use, legal matters concerning land a	and a

small business owner for forty years.

Ten years as staff for the Mono County RCD.

Bring the perspective of rural north Mono County, something that has not always been properly represented on the LAFCO board.

PO Box 347 Mammoth Lakes, CA 93546 760-924-1800, fax 924-1801 commdev@mono.ca.gov PO Box 8 Bridgeport, CA 93517 760-932-5420, fax 932-5431 www.monocounty.ca.gov

I look forward to your consideration to continue serving.

Respectfully, Bruce D. Woodworth

Mr. Chek

Signature \_

Date 06-21-2019\_\_\_\_\_

### County Counsel response to questions posed at LAFCO meeting May 15:

Alternate public member commented on annexation situation at June 20, 2018, meeting, should have recused himself and commented as private citizen.

Peters: Recusal pertains to right to vote on action item as opposed to discussion? Woodworth: No restrictions in other agency on alternate speaking, just can't vote. *Press, agencies, public present clouded aforementioned situation.* 

Woodworth: Why not allow alternate to speak? Ask county counsel.

Hoff: Identify self as speaking as member of public...

Cage: Never give up right as citizen to speak. Confusion, as he was at table as alternate. Woodworth: Substantive difference?

Salcido: Brown Act addresses it, and county counsel should speak on this. Woodworth: Check with county counsel on majority of commission vs majority of quorum. Peters: Important rules of engagement. LAFCO discussion vs public comment. Clear up confusion for public.

1. An alternate member may attend meetings, including speaking and participating in deliberations during meetings. While not required, it would be helpful if an alternate member who offers testimony as a private citizen clarify that they are doing so.

Note that alternate members may not attend closed sessions.

2. A vote by a majority of the commission is necessary. A vote by a majority of the quorum present is *not* sufficient. A tie is a denial.

Please let me know if you have any questions or concerns.

Thanks, Anne

ANNE M. LARSEN DEPUTY COUNTY COUNSEL OFFICE OF THE COUNTY COUNSEL COUNTY OF MONO P.O. Box 2415 452 Old Mammoth Road, Third Floor Mammoth Lakes, CA 93546

# II. BYLAWS FOR THE MONO COUNTY LOCAL AGENCY FORMATION COMMISSION

### A. <u>ARTICLE I – TITLE</u>

This commission shall be entitled and known as the MONO LOCAL AGENCY FORMATION COMMISSION.

### B. ARTICLE II – MEETINGS

Section 1 – Date and Place

**Regular Meetings** 

The Bylaws specify regular meetings shall be held on the first second Wednesday of each month. Scheduled meetings falling on holidays are held on the next regular business day or are rescheduled.